

Office of the Inspector General, DoD

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Evaluation of the Defense Criminal Investigative Organizations Source Management Programs

Executive Summary

Introduction. The U.S. Army Criminal Investigation Command (USACIDC), the Naval Criminal Investigative Service (NCIS), the Air Force Office of Special Investigations (AFOSI), and the Defense Criminal Investigative Service (DCIS), collectively known as the Defense Criminal Investigative Organizations (DCIOs), have primary responsibility for conducting felony criminal investigations occurring within the military community or involving military members.

The use of sources to detect and resolve crimes is a recognized, legitimate, and sanctioned technique used by law enforcement activities. The DCIOs refer to sources by various titles. The classifications of sources relate to differences in identity protection, the amount of direction the sources receive, and in reporting requirements. Although the DCIOs use different terms to describe sources, their policies and procedures regarding sources are similar. These policies and procedures govern the recruitment, control, operation, and management of sources, as well as identity protection and documentation requirements.

Evaluation Objectives. Our objectives were to identify and analyze the policies and procedures the DCIOs use to recruit, control, and manage sources; to determine if the DCIOs are implementing the policies and procedures; and to identify and analyze the DCIOs' internal oversight mechanisms used to evaluate compliance with those policies and procedures.

Evaluation Results. We selected the policies and procedures of the Federal Bureau of Investigation Criminal Informant Program as a baseline from which we measured the source management of the DCIOs. We found each of the DCIOs have adequate administrative requirements, management controls, and oversight mechanisms in place addressing recruiting, controlling, and managing of sources. (Finding A).

DCIO regulatory guidance does not require supervisors and agents to receive recurring training beyond basic school regarding recruiting, controlling and managing sources. We found that due to a lack of such recurring training, special agent participation in developing and managing sources was not adequately reinforced. All of the DCIO agents and supervisors interviewed regarding training stated that additional advanced practical source training would be beneficial to agents and supervisors in fulfilling the mission of their respective organizations. (Finding B)

The Department of the Navy's (DoN) policy requiring prior command approval before utilizing military members as sources, and the Marine Corps policy of restricting the use of military members as sources in off-base investigations in matters other than narcotics

violations seriously restricts the ability of the Naval Criminal Investigative Service (NCIS) to fully utilize sources and comply with DoD guidance. These policies are contradictory to DoD policy. The Defense Advisory Board also previously noted this contradiction in its 1995 report entitled, "Report of the Advisory Board on the Investigative Capability of the Department of Defense, Volume 1." The report stated, "The Navy and the Secretary's Board on Investigations should examine the need for restrictions that exist currently on NCIS's use of informants, particularly in light of the fact that neither the Army nor the Air Force finds this type of restriction necessary." The Navy has not provided the Secretary's Board on Investigations with the results of such an examination. As a result, NCIS is not able to fully and effectively utilize Navy and Marine Corps personnel as sources in criminal investigations. In addition, the command approval requirement creates a potential compromise of source safety and operations security. (Finding C).

Summary of Recommendations. We recommend the DCIOs conduct an assessment to address concerns expressed by their personnel about the lack of ongoing training beyond basic agent school for development of supervisors' and agents' skills related to recruiting, managing and using sources. Based on the assessment results, training module(s) should be developed and specifically tailored to the mission needs of the DCIO.

We recommend the Secretary of the Navy eliminate the requirement for command approval prior to the utilization of military personnel as sources by NCIS. We also recommend that the Commandant of the Marine Corps substantially modify the policy which restricts the off-base utilization of Marines as sources, to allow for such use when allowable under the existing DoD policies.

Management Comments. DCIS provided information updating and clarifying their procedures regarding source file reviews and the DCIS self-inspection program. We have revised the report language as needed to address DCIS concerns.

The Army, Navy and Air Force provided information regarding existing and planned efforts addressing our recommendations for development and delivery of training. We revised the language of Finding B., pertinent portions of text, and the associated recommendation to reflect the substance of these comments.

The Marine Corps nonconcurred with our findings and recommendations for policy changes in connection with restrictions on use of Marines as sources. The Marine Corps nonconcurrence is moot as it is based on the provisions of a Navy policy, which the Navy has agreed in its comments to this report, needs to be revised.